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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/991,083

Applicant(s)

DUREAU ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-18, 20-22 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 20-22 and 25-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to communications filed 3-03-06. Claims 1, 3-5, 7, 10-13, 20, 21, 28, 31, 35-39 are amended. Claims 2, 6, 8, 14-18, 22, 25-27, 29, 30, 32-34, 40-43 are original. Claims 9, 19, 23, 24 are cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 12 is objected to because of the following informalities: The claim recites "the edit list". The Office assumes --an edit list--. Appropriate correction is required.

4. Claim 18 is objected to because of the following informalities: The claim recites "the request". The Office assumes --a request--. The Office assumes the request is reference to processing the message to recreate the first data. Appropriate correction is required.

5. Claim 27 is objected to because of the following informalities: The claim recites "the edit list". The Office assumes --an edit list--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

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6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 12 is rejected as it recites "edit list is utilized to generate a virtual programming channel at the member's location". The specification discloses that an operator sends a message based on operator targeting (Page 37). The operator conveys edit lists and the virtual channels may be created based on the edit lists (Page 38-39).

Therefore, a message that a first user sends with an edit list (Objection) and a virtual channel is generated is new matter. The claim is rejected based on the Disclosure that an Operator conveys an edit list that is used to generate a virtual channel.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 10, 14-16, 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrison et al (US 6,591,292 and hereafter referred to as "Morrison").

Regarding Claim 1, Morrison discloses a method of recreating data at a remote location in a television system comprising (Column 17, lines 42-48): receiving a programming signal at a first location (Figure 4, Column 14, lines 30-45), the signal comprising a program material or audio, video and data about the program (Figure 4, Column 14, lines 30-45); a first user at the first location (Figure 4, Column 14, lines 30-45): tagging first data comprising at least a portion of the program material or selecting the program displayed or program in the on screen menu or electronic program guide (EPG) that is of interest via an actuation of buttons (Figure 4, Column 14, lines 30-45); generating a message which identifies the first data and at least one remote user at a remote location (Figure 5, Figure 6, Figure 7); and conveying the message to the remote user at the remote location (Figure 5, 502, Figure 6, 602, Figure 7); processing the message at the remote location (Column 17, lines 42-48) and recreating the first data at the remote location in response to processing the message (Column 17, lines 42-48).

Regarding Claim 31, Morrison discloses a system for recreating data at a remote location in a TV system (Figure 1, Figure 2) comprising: a first device (Figure 1, Figure

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2) configured to receive a programming signal at a first location the signal comprising program material or audio, video, and data (Figure 4, Column 14, lines 30-45), tag first data comprising at least a portion of the program material or selecting the program displayed or program in the on screen menu or electronic program guide (EPG) that is of interest via an actuation of buttons (Figure 4, Column 14, lines 30-45); and generate a message in response to viewer input (Figure 4, Figure 5, Figure 6, Figure 7); wherein the message identifies the first data (Figure 4, Column 14, lines 30-45, Figure 5, 516, Figure 6, 616) and at least one remote user at a remote location (Figure 5, 502, Figure 6, 602); a second device configure to receive (Column 17, lines 31-48) and process the message (Figure 3, Figure 4, S4, S5, Figure 2, 22a); receive second data including the first data (Column 18, lines 49-67); and capture the first data responsive to processing the message and detecting the first data within the received second data such as automatic tuning or recording of the program (Column 17, lines 31-48, Column 18, lines 49-67).

Regarding Claim 2, Morrison discloses all the limitations of Claim 1. Morrison discloses a message comprising an edit list which identifies a first data or the email identifies an edit list or a list of programs to view or record, wherein the first data is the first program (Figure 5, 516, Figure 6, 616, Figure 7, Column 18, lines 33-37).

Regarding Claim 3, Morrison discloses all the limitations of Claim 1. Morrison discloses that the recreating the first data at the remote location comprises retrieving at least a first part of the first data or the program from a pushed broadcast signal at the

remote location or automatic tuning to the program or first data at the remote location (Column 17, lines 42-48).

Regarding Claim 4, Morrison discloses all the limitations of Claim 3. Morrison discloses recreating the first data at the remote location further comprises requesting at least a second part of a first data which includes web site information from a remote server (Column 21, lines 39-42) and receiving the requested portion in response to the request (Column 18, lines 49-67, Column 22, lines 3-5).

Regarding Claim 10, Morrison discloses all the limitations of Claim 1. Morrison discloses the message identifies a plurality of members of a viewing audience and wherein the message is conveyed to those members (Column 15, lines 15-28).

Regarding Claim 14, Morrison discloses all the limitations of Claim 1. Morrison discloses receiving a programming signal and capturing the detected first data or program (Column 17, lines 31-48).

Regarding Claim 15, Morrison discloses all the limitations of Claim 14. Morrison discloses that the first data is captured in response to detecting the programming signal corresponds to a predetermined time (Column 17, lines 31-48).

Regarding Claim 16, Morrison discloses all the limitations of Claim 14. Morrison discloses that the first data is captured in response to a first signal in the programming signal (Column 21, lines 50-65, Column 22, lines 15-20), wherein the first signal indicates the first data is included in the programming signal (Column 17, lines 31-48).

Regarding Claim 32, Morrison discloses all the limitations of Claim 31. Morrison discloses that the message includes a target identifier that identifies the second device

(Figure 5, 502, Figure 6, 602) and the first device is configured to convey the message to the second device (Figure 1, Figure 2).

Regarding Claim 33, Morrison discloses all the limitations of Claim 31. Morrison discloses that the first data corresponds to television programming material (Figure 4, Column 14, lines 30-45).

Regarding Claim 34, Morrison discloses all the limitations of Claim 31. Morrison discloses that the second device can generate a request for second data (Column 20, lines 2-8, Column 22, lines 3-9) to a remote content server or related web site (Column 21, lines 39-42) and the second data is conveyed to the second device based on the request (Column 20, lines 2-8, Column 22, lines 3-9, Column 21, lines 39-42).

10. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2003/0020744 and hereafter referred to as "Ellis").

Regarding Claim 35, Ellis discloses a system for recreating data at a remote location in a TV system (Figure 1, 17, Figure 2a-2c, 17, 22) comprising: a television operator configured to convey a broadcast signal (Page 2, paragraph 0037) and a plurality of receiving devices coupled to receive the broadcast signal (Figure 1, 17, Figure 2, 22); a central repository configured to store a plurality of edit lists (Figures 2a-2c, 25, each of the edit lists identifying programming material (Figure 5, 100, Figure 6, 130, Figure 7); wherein each of the receiving device is coupled to access the central repository (Figure 1, Figures 2a-2c, 20), wherein a first receiving device of the receiving devices may initiate conveyance of a first edit list stored in the central repository to the



accessing receiving device (Page 5, paragraph 0064), and wherein in response to receiving the first edit list, the first receiving device is configured to recreate programming material identified by the first edit list at the first receiving device or after accessing the desired program guide, the user can select a listing on the program guide or edit list (Page 6, paragraph 0071).

11. Claim 38, 42, 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyal (US 6,735,628).

Regarding Claim 38, Eyal discloses a method for recreating data (Figure 4) comprising: a first user generating a message at a first location or a user generates a play list and the play list identifies a first data or media clips (Figure 18, Column 32, lines 23-30, Figure 10, 860, Column 27, lines 1-5), wherein the message identifies a first data (Column 26, lines 60-63); conveying the message to a remote database or storing the play list on a network server (Column 32, lines 23-30). It is necessarily included that if the user is storing the play list on a network server that they are conveying the play list to the network server. A message in its most general meaning is the object of communication; depending on the context, the term may apply to both the information contents and its actual presentation. Eyal also discloses that play lists from wherein the remote database is accessible by a plurality of users and that the users can access their personal play lists or play lists that are edited or modified from any terminal that has access to the system, which includes the network server (Column 32, lines 23-30). Eyal discloses storing the message or the play list in the database or network server

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(Column 32, lines 23-30), receiving a search request at the database from a second user at a second location or users search for play lists via a search request (Column 20, lines 32-35); searching the database or network server (Column 32, lines 23-30); recreating the first data or media clips at a second location at in response to identifying and accessing the message or play list (Column 27, lines 41-45).

Regarding Claim 42, Eyal discloses all the limitations of Claim 38. Eyal discloses that the user generating an edit list to be transmitted to the network server or a message to the network server comprises a viewer tagging program material or a viewer changing an order or deleting selections (Column 32, lines 23-30).

Regarding Claim 43, Eyal discloses all the limitations of Claim 42. Eyal discloses that first data comprises two or more selected portions of the program material or a first data are media clips that are selected by the user editing a play list (Column 32, lines 23-30).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Ullman et al (US 2003/0065719 and hereafter referred to as "Ullman").

Regarding Claim 5, Morrison discloses all the limitations of Claim 3. Morrison discloses receiving a video or television signal and receiving program data from remote content server or related website (Internet) (Column 21, lines 39-42). Morrison discloses the ability for the user to choose viewing or tuning to a selected program or to select information such as a website (Column 21, lines 50-54). Morrison is silent on recreating of the first data comprises combining the first part and second part at the remote location. Ullman discloses a system, which discloses a system that broadcasts a video signal and an Internet web site (Figure 2) to the subscriber location. Ullman discloses the combining of the first part of first data (program) with second part of first data (other information) at remote location or to view integrated data (Pages 4-5, paragraph 0049-0050). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Morrison to combine the first part of first data (program) with second part of first data (other information) at remote location or to view integrated data (Pages 4-5, paragraph 0049-0050) as taught by Ullman in order to provide a wider richer experience by closing the gap (Page 1, paragraph 0004) as disclosed by Ullman.

Regarding Claim 7, Morrison discloses all the limitations of Claim 5. Morrison discloses the program material is tagged by the first user as it is received via the

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programming signal or while the viewer is watching the program (Column 14, lines 41-42).

Regarding Claim 8, Morrison and Ullman disclose all the limitations of Claim 5. Morrison discloses storing the program material in a mass storage device at the first location (Column 8, lines 1-12, Figure 2, 90).

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Ullman as applied to claim 5 above, and further in view of Maissel et al (US 2003/0088872 and hereafter referred to as "Maissel").

Regarding Claim 6, Morrison and Ullman disclose all the limitations of Claim 5. Morrison and Ullman are silent on the two or more selected portions of a program. Maissel discloses a first data that comprises two or more selected portions of the program or program material (Figure 10A, Page 18, paragraph 0297, Page 20, paragraph 0341). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrison in view of Ullman to include first data that comprises two or more selected portions of the program or program material (Figure 10A, Page 18, paragraph 0297, Page 20, paragraph 0341) as taught by Maissel in order to provide an more efficient means of recording, editing and retrieval of selected portions of a movie (Page 2, paragraphs 0034-0035) as disclosed by Maissel.

15. Claims 11, 20-22, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Lawler et al (US 5,805,763 and hereafter referred to as "Lawler").

Regarding Claim 21, Morrison discloses a client for use in a TV system (Figure 1, Figure 2) comprising: a receiver configured to receive a programming signal (Figure 1, Figure 2, Column 7, lines 34-58); an I/O interface (Figure 1, 1122, Figure 2, 120); and a message processing engine configured or controller (Figure 1, 1110, Figure 2, 115) to: tag first data comprising at least a portion of received program material or select a program from the on screen menu or program that is being displayed which a program of interest via actuation of buttons (Column 14, lines 31-54); and generate a message which identifies the first data (Figure 4); wherein the message is configured to enable recreation of first data (Column 17, lines 42-48) at a remote location in response to being processed (Column 17, lines 31-48); convey the message to an individual remote user in response to a first indication (Figure 5, 502, Figure 6, 602, Figure 7); and convey the message to a remote central repository accessible by a plurality of member of a viewing audience in response to a second indication, wherein each of the audience member determine whether or not to access the central repository and receive the message. Morrison discloses that multiple recipients can be sent the email (Figure 5, 502, Figure 6, 602). Morrison is silent on a message being sent to the central repository or server by a second indication, which is accessible, by a plurality of members of a viewing audience and the audience members determine whether or not to access the central repository to receive the message. Lawler discloses a system with a set top

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box or interactive station controller (Figure 1, 18), which receives communications from the central head end (Figure 1, 12). Lawler discloses that the viewer can from an EPG (Figure 3) decide to watch a program or to record a program (Figure 5, 130, Figure 6, 130). Lawler discloses that the user can set a record tag at the central head end to record the program via recording device (Column 13, lines 26-35, Column 4, lines 28-30), or send a message to the central head end to record the program. A message in its most general meaning is the object of communication; depending on the context, the term may apply to both the information contents and its actual presentation. Lawler discloses that viewers or members of a viewing audience can access the remote central repository or head end, wherein each of the audience members determine whether or not to access the head end and receive the message or program that had a record tag associated with it on a on demand basis (Column 13, lines 33-38). Therefore, it would have been obvious to one of ordinary skill in the art to modify Morrison to include to send a message to the central repository or head end (Column 13, lines 26-35, Column 4, lines 28-30) that is accessible by a plurality of members of a viewing audience wherein each of the members determine whether or not to access the central repository to receive the message (Column 13, lines 33-38) as taught by Lawler in order to make it convenient for viewers to access programs that they did not record or view (Column 13, lines 36-38).

Regarding Claim 11, Morrison discloses all the limitations of Claim 1. Morrison is silent on a message being sent to the central repository or server by a second indication, which is accessible, by a plurality of members of a viewing audience and the

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audience members determine whether or not to access the central repository to receive the message. Lawler discloses a system with a set top box or interactive station controller (Figure 1, 18), which receives communications from the central head end (Figure 1, 12). Lawler discloses that the viewer can from an EPG (Figure 3) decide to watch a program or to record a program (Figure 5, 130, Figure 6, 130). Lawler discloses that the user can set a record tag at the central head end to record the program via recording device (Column 13, lines 26-35, Column 4, lines 28-30), or send a message to the central head end to record the program. A message in its most general meaning is the object of communication; depending on the context, the term may apply to both the information contents and its actual presentation. Lawler discloses that viewers or members of a viewing audience can access the remote central repository or head end, wherein each of the audience members determine whether or not to access the head end and receive the message or program that had a record tag associated with it on a on demand basis (Column 13, lines 33-38). Therefore, it would have been obvious to one of ordinary skill in the art to modify Morrison to include to send a message to the central repository or head end (Column 13, lines 26-35, Column 4, lines 28-30) that is accessible by a plurality of members of a viewing audience wherein each of the members determine whether or not to access the central repository to receive the message (Column 13, lines 33-38) as taught by Lawler in order to make it convenient for viewers to access programs that they did not record or view (Column 13, lines 36-38).

Regarding Claim 20, Morrison and Lawler disclose all the limitations of Claim 11. Lawler discloses searching the head end or central repository, identifying a message or one or more programs with associated record tags matching the search criteria, initialing conveyance of the program with an associated record tag from the head end to the user (Column 13, lines 26-38).

Regarding Claim 22, Morrison and Lawler disclose all the limitations of Claim 21. Morrison discloses that the message comprises an edit list or a list of programs of interest (Figure 5, 516, Figure 6, 616, Figure 7, Column 18, lines 33-37).

Regarding Claim 28, Morrison and Lawler disclose all the limitations of Claim 21. Lawler discloses searching the head end or central repository, identifying an edit list or one or more programs with associated record tags matching the search criteria, initialing conveyance of the program with an associated record tag from the head end to the user (Column 13, lines 26-38).

Regarding Claim 29, Morrison and Lawler disclose all the limitations of Claim 22. Morrison disclose that the message processing engine is further configured to receive a second edit list or receive multiple messages with edit lists (Figures 3-7), receive a signal (Column 14, lines 31-54), detect data within the signal which is identified by the second edit list or any edit list (Column 18, lines 29-48) and capture the detected data (Column 15, lines 57-65).

Regarding Claim 30, Morrison and Lawler disclose all the limitations of Claim 22. Morrison disclose that a request for recording/tuning or recreating a program (Figure 3, Figures 5-7, Column 17, lines 31-48) for a remote location and conveying the request to



a remote location (Figure 3, Figures 5-7) and receiving the signal or program in response to the request (Column 17, lines 31-48).

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Herz et al (US 5,758,257 and hereafter referred to as "Herz").

Regarding Claim 12, Morrison discloses all the limitations of Claim 1. Morrison is silent on the service provider sending a message to convey an edit list, which generates a virtual programming channel. Herz discloses that video head end (Column 41, lines 38-42) which has an operator (Column 41, lines 38-42) conveys edit lists or programming that is desired by audience members (Figure 2). Herz discloses that the edit list or scheduled programming is received by a member of the viewing audience (Column 25, lines 49-63); the edit is list is utilized to generate a virtual programming channel at the member's locations (Figure 2, Column 25, lines 49-67, Column 26, lines 1-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrison to include edit list is received by a member of the viewing audience (Column 25, lines 49-63), the edit is list is utilized to generate a virtual programming channel at the member's locations (Figure 2, Column 25, lines 49-67, Column 26, lines 1-21) as taught by Herz in order to provide customized programming to the customer and to minimize channel surfing (Column 2, lines 65-67, Column 3, lines 1-15) as disclosed by Herz.

17. Claims 13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Sitnik (US 2002/0010935).

Regarding Claim 13, Morrison discloses all the limitations of Claim 1. Morrison discloses transmitting messages to the in a peer-to-peer mode and processing the message and recreating the first data at the remote location in response to the message. Morrison is silent on processing at the remote location in a peer to peer mode comprises performing a security check and recreating the first data at a remote location is in response to determining the message passes the security check. Sitnik discloses a system which a plurality of televisions interconnection via Intent, LAN or in home network (Pages 1-2, paragraph 0014). Sitnik discloses a first user at a first location transmitting queries or messages to a second user or remote user at a remote location (Page 2, paragraph 0016) in a peer-to-peer television system (Pages 1-2, paragraph 0014). Sitnik disclose that the remote user's system may not comply with the query or message without a security restriction such as using a password (Page 2, paragraphs 0017, 0019). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrison to process at the remote location in a peer to peer mode (Pages 1-2, paragraph 0014) comprises performing a security check and recreating the first data at a remote location is in response to determining the message passes the security check (Page 2, paragraphs 0017, 0019) as taught by Sitnik in order to share audio visual content (Page 1, paragraph 0001) as disclosed by Sitnik.

Regarding Claim 18, Morrison and Sitnik disclose all the limitations of Claim 13. Morrison discloses that recreating the first data comprising receiving the first data in response to a request to process (Column 17, lines 31-48).

18. Claims 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Ellis et al (US 2005/0028208 and hereafter referred to as Ellis2).

Regarding Claim 17, Morrison discloses all the limitations of Claim 1. Morrison discloses making recording requests via the program guide for a particular program (Figure 4, Column 17, lines 31-48). Morrison is silent on generating a request for the data and conveying the request to a remote content server. Ellis2 discloses sending a message or communications to the remote location identifying a first data or program for recording (Page 2, paragraph 0019). Ellis2 discloses generating a request for the first data (Figure 7, Figure 8) and conveying the request to a remote content server (Figures 2a, 2b, 2c, 2d). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrison to include generating a request for the first data (Figure 7, Figure 8) and conveying the request to a remote content server (Figures 2a, 2b, 2c, 2d) as taught by Ellis2 in order to allow a user to program the VCR for someone who does not know how to program the VCR (Page 2, paragraph 0019) as disclosed by Ellis2.

19. Claims 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Lawler as applied to claims 22, 21 above, and further in view of Maissel et al (US 2003/0088872 and hereafter referred to as "Maissel").

Regarding Claim 25, Morrison and Lawler disclose all the limitations of Claim 22. Morrison and Lawler are silent on the two or more selected portions of a program. Maissel discloses a message with addressable program with two or more selected portions of the program or program material (Figure 10A, Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrison in view of Lawler to include message with addressable program with two or more selected portions of the program or program material (Figure 10A, Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341) as taught by Maissel in order to provide an more efficient means of recording, editing and retrieval of selected portions of a movie (Page 2, paragraphs 0034-0035) as disclosed by Maissel.

Regarding Claim 26, Morrison and Lawler disclose all the limitations of Claim 21. Morrison discloses a message processing engine (Figure 1, 1110, Figure 2, 115). Morrison discloses storing the program material in a mass storage device at the first location (Column 8, lines 1-12, Figure 2, 90). Morrison and Lawler are silent on the mass storage device is accessed so that the message to recreate the data from the mass storage device. Maissel discloses a message with addressable program (Figure 10A, Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341). Therefore, the receiving device has a message-processing device as it can send the messages. Maissel discloses that the user can transmit programs that are record on memories (Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Morrison in view of Lawler to include that a message can be sent to a remote user and that the message has an addressable program (Figure 10A, Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341) which can be edited and stored at the user memory prior to transmitting other users (Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341) as taught by Maissel in order to provide an more efficient means of recording, editing and retrieval of selected portions of a movie (Page 2, paragraphs 0034-0035) as disclosed by Maissel.

20. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Lawler and Maissel as applied to claim 25 above, and further in view of Herz.

Regarding Claim 27, Morrison, Lawler and Maissel disclose all the limitations of Claim 25. Morrison discloses a message processing engine (Figure 1, 1110, Figure 2, 115). Morrison, Lawler and Maissel are silent on a virtual channel. Herz discloses that message processing engine (Figure 9, 906) in order to generate a virtual programming channel with programming based on the edit list (Figure 2, Column 25, lines 49-67, Column 26, lines 1-21, Column 45, lines 34-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrison in view of Lawler and Maissel to include message processing engine (Figure 9, 906) in order to generate a virtual programming channel with programming based on the edit list (Figure 2, Column 25, lines 49-67, Column 26, lines 1-21, Column 45, lines 34-55) as taught by Herz in order to provide customized programming to the customer and to

minimize channel surfing (Column 2, lines 65-67, Column 3, lines 1-15) as disclosed by Herz.

21. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Eyal.

Regarding Claim 36, Ellis discloses all the limitations of Claim 35. Ellis discloses that the programming is broadcasted (Figure 1, Figure 2a-c). Ellis is silent on the first edit list corresponding to a particular program and identifies various portions of the particular program in such a manner that recreating programming material comprises an edited version of the particular program which differs from the particular program as it was originally broadcast. Eyal discloses an Internet enabled television or personal computer (Figure 1, 210, Column 13, lines 54-60) can receive play lists or edit lists from a remote content server (Figure 2, 260, 280). Eyal discloses a first edit list or play list corresponding to a particular program (Column 11, lines 39-41) and identifies various portions of the particular program in such a manner that recreating programming material comprises an edited version of the particular program which differs from the particular program as it was originally broadcast (Figure 18, Column 32, lines 23-30, Figure 10, 860, Column 25, lines 60-63, Column 27, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ellis to include that first edit list or play list corresponding to a particular program (Column 11, lines 39-41) and identifies various portions of the particular program in such a manner that recreating programming material comprises an edited version of the particular program which differs from the particular program as it was originally transmitted (Figure 18, Column

32, lines 23-30, Figure 10, 860, Column 25, lines 60-63, Column 27, lines 1-5) as taught by Eyal in order to provide the users with customized presentations of their play list.

Regarding Claim 37, Ellis discloses all the limitations of Claim 35. Ellis discloses that the programming is broadcasted (Figure 1, Figure 2a-c). Ellis is silent on the central repository comprising edit lists created by users correspond to the receiving devices. Eyal discloses an Internet enabled television or personal computer (Figure 1, 210, Column 13, lines 54-60) can receive play lists or edit lists from a remote content server (Figure 2, 260, 280). Eyal discloses a network server or central repository comprising edit lists or play lists created by users corresponding to receiving devices (Figure 18, Column 32, lines 23-30, Figure 10, 860, Column 25, lines 60-63, Column 27, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ellis to include a network server or central repository comprising edit lists or play lists created by users corresponding to receiving devices (Figure 18, Column 32, lines 23-30, Figure 10, 860, Column 25, lines 60-63, Column 27, lines 1-5) as taught by Eyal in order to provide the users with customized presentations of their play list.

22. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal in view of Maissel.

Regarding Claim 39, Eyal discloses all the limitations of Claim 38. Eyal discloses that play lists are generated and transmitted to a user (Figure 2). Eyal discloses a first edit list or play list corresponding to a particular program (Column 11, lines 39-41) and identifies various portions of the particular program in such a manner that recreating

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programming material comprises an edited version of the particular program which differs from the particular program as it was originally transmitted (Figure 18, Column 32, lines 23-30, Figure 10, 860, Column 25, lines 60-63, Column 27, lines 1-5). Maissel discloses a message with addressable program with two or more selected portions of the program or program material (Figure 10A, Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341). Maissel discloses that a user receives a program that is originally broadcasted and then can edit the program and store the program (Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyal that the edit version of first data differs from the program as originally broadcasted (Figure 10A, Page 18, paragraphs 0294, 0297, Page 20, paragraph 0341) as taught by Maissel in order to provide an more efficient means of recording, editing and retrieval of selected portions of a movie (Page 2, paragraphs 0034-0035) as disclosed by Maissel.

Regarding Claim 40, Eyal and Maissel discloses the limitations of Claim 39. Eyal discloses that a first data is received from an Internet site or third location (Figure 2, 215) to the server (Figure 2, 280, 260) to the first location (Figure 2, 210).

Regarding Claim 41, Eyal and Maissel discloses the limitations of Claim 40. Maissel discloses first data is broadcasted via television broadcast signal (Figure 1, Page 9, paragraph 0153).

### ***Conclusion***



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

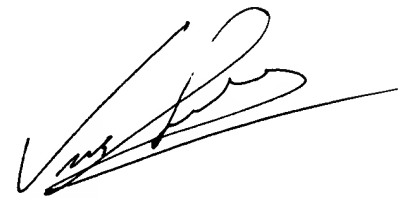
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
April 12, 2006

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal flourish extending to the right.

VIVEK SRIVASTAVA  
PRIMARY EXAMINER